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Paper No. 9

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**FEB 04 2005**

**OFFICE OF PETITIONS**

In re Application of :  
Yasunori Kawamura :  
Application No. 09/247,549 :  
Filed: February 10, 1999 :  
Attorney Docket No. P3213-9008 :

ON PETITION

This is a decision on the petition, filed January 13, 2005, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the non-final Office action mailed May 8, 2001, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on August 9, 2001.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item (1).

A petition to revive cannot be granted where there is an outstanding requirement. In the instant case, there was no response to the non-final Office action mailed May 8, 2001. Enclosed is a courtesy copy of this Office action. Accordingly, the petition to revive cannot be granted until such time as the outstanding requirement is received.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                   Mail Stop PETITION  
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By facsimile:           (703) 872-9306  
                              ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.



Irvin Dingle  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

Attachment: non-final Office action mailed May 8, 2001